

# Notice of Allowability

Application No.

09/548,466

Examiner

Kirsten S. Apple

Applicant(s)

DALE ET AL.

Art Unit

3693

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/26/07.
2. ☒ The allowed claim(s) is/are 1-28, 59 and 60.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **DETAILED ACTION**

This communication is in response to remarks filed 3/26/07.

#### ***Restriction/Election***

Examiner acknowledges the applicant election of Group I in response to the election/restriction requirement, with traverse. In addition, the examiner has accepted the arguments of the applicant and is willing change the claims include in Group I to include not only 1-14 & 15-28 but also 59 & 60 which depend from 1 & 15. In summary the examiner will address claims 1-14, 15-28, 59 & 60.

#### **Reasons for Allowance**

The following is an examiner's statement of reasons for allowance:

The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to teach or suggest the limitation of independent claims. The Applicant has claims a method of forecasting demand to automatically execute a forward contract.

Independent claim 1 discloses a method of supply chain optimization that accesses forecasted demand and automatically generates, negotiates, modifies and enforces a flexible trade contract or a forward contract.

Independent claim 15 discloses a discloses a method of supply chain optimization that accesses forecasted demand and automatically generates, negotiates, modifies and enforces a flexible trade contract or a forward contract.

The following prior art references have been deemed most relevant to the allowed claim(s):

Schmidt et al. (EP 0770 967) teaches a supply chain system that includes a demand and supply reconciliation process reconciling production, sales and inventory and reconciling a top-down forecast with a bottom-up forecast where an expert based model is used for the bottom-up forecast. Schmidt also describes a VMR strategic planning tool that evaluates various “service contract options” for “direct replenishment” (page 28 line 38 & 54 respectively). While this reference describes “service contract options” in review the examiner believes this is different than a “forward contract” executed on a stock exchange as defined by the applicants definition of “flexible trade contracts.” In addition Schmidt is silent about anything happening automatically and without user intervention.

Herz et al (US Patent 5,754,938) teaches automatic negotiation between computers but does not have a specific system for forecasting demand and executing a forward contract.

Garman (EP 0790568A1) discloses a system and method for determination of incremental value at risk for securities trading. A proposed trade is examined for its incremental impact on the VaR measure of the trading portfolio, without further reference to the existing portfolio held by an institution and without the need to re-determine the combined portfolio's VaR measure for each candidate trade.

Maes (non-patent literature article “Agents that buy and sell”) teaches software agent technologies that automatically without user interaction negotiate and execute transactions but is silent about the type of transaction.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

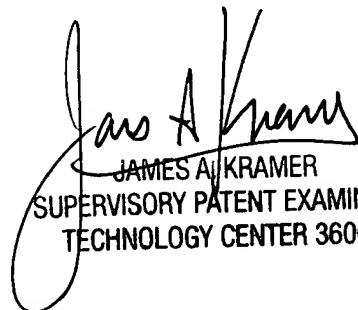
***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirsten S. Apple whose telephone number is 571.272.5588. The examiner can normally be reached on Monday - Friday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-272-6126.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksa

  
JAMES A. KRAMER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600  
6/20/07